

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

OLSON KUNDIG, INC.,

Plaintiff,

v.

12TH AVENUE IRON, INC.,

Defendant.

CASE NO. C22-0825JLR

ORDER

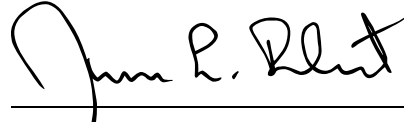
On May 5, 2023, the court granted in part Plaintiff Olson Kundig, Inc.’s (“Olson Kundig”) motion for entry of default judgment against Defendant 12th Avenue Iron, Inc. (“12th Avenue Iron”). (5/5/23 Order (Dkt. # 60); DJ Mot. (Dkt. # 52).) In relevant part, the court concluded that default judgment was warranted in favor of Olson Kundig on its claims against 12th Avenue Iron and awarded permanent injunctive relief, \$110,879.94 in unpaid royalties, \$91,627.23 in attorneys’ fees, and post-judgment interest under 28 U.S.C. § 1961. (5/5/23 Order at 38-40.) The court also granted in part Olson Kundig’s request for discovery to determine Olson Kundig’s total damages and ordered 12th

1 Avenue Iron to provide counsel for Olson Kundig with a report showing the revenue and  
2 profit received for each of its sales of Tom Kundig Collection products. (*Id.* at 39.) The  
3 court gave Olson Kundig until August 4, 2023 to file a supplemental motion for damages,  
4 if any, based on the above-mentioned discovery and stated that if Olson Kundig did not  
5 timely file its motion, the court would rule on Olson Kundig’s request for statutory  
6 damages under the Washington Personality Rights Act (“WPRA”), RCW 63.60.010, *et*  
7 *seq.*, and enter final judgment consistent with its May 5, 2023 order. (*Id.* at 38-40.)

8       The August 4, 2023 deadline has now passed, and Olson Kundig has not filed a  
9 supplemental damages motion. In accordance with its May 5, 2023 order, the court will  
10 now assess Olson Kundig’s request for statutory damages under the WPRA. (*See* 5/5/23  
11 Order at 34, 38-40.) In its default judgment motion, Olson Kundig requested either the  
12 minimum award under the WPRA of \$1,500 or an award of the actual damages sustained  
13 from 12th Avenue Iron’s infringement of Olson Kundig’s personality rights. (DJ Mot. at  
14 8, 15-16.) Under the WPRA, “[a]ny person who infringes the rights under this chapter  
15 shall be liable for the greater of one thousand five hundred dollars or the actual damages  
16 sustained as a result of the infringement.” RCW 63.60.060(2). Because Olson Kundig  
17 prevailed on its WPRA claim (*see* 5/5/23 Order at 13-14), it is entitled to damages under  
18 RCW 63.60.060(2). Although the court gave Olson Kundig an opportunity to establish  
19 the actual damages it sustained from 12th Avenue Iron’s infringement of Olson Kundig’s  
20 personality rights, it has not done so. (*See* 5/5/23 Order at 34 (stating that Olson  
21 Kundig’s default judgment motion lacked evidence of such damages (citing DJ Mot. at  
22 8)); *see also* Dkt. (no supplemental damages motion filed).)

1 Accordingly, the court AWARDS Olson Kundig \$1,500 in statutory damages  
2 under the WPRA. *See* RCW 63.60.060(2). The court will enter a final judgment  
3 consistent with this order and its May 5, 2023 order.

4 Dated this 8th day of August, 2023.

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7 JAMES L. ROBART  
8 United States District Judge  
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